GOVERNMENT OF INDIA
COMMERCE AND INDUSTRY
LOK SABHA

UNSTARRED QUESTION NO:769
ANSWERED ON:21.02.2003
PATENT ON PHARMACEUTICALS
SUNIL KHAN

Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether USA has won cases against India on patents in pharmaceuticals;

(b) if so, the details thereof; and

(c) its ultimate effect on Indian Pharmaceutical Industries?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI CH. VIDYASAGAR RAO)

(a) to (c): Patent rights have territorial jurisdiction inasmuch as patents are granted under the sovereign prerogative of countries in accordance with their respective patent laws. Further, patents are essentially private rights and are, therefore both acquired and protected by those whose interests are involved or affected. In the pharmaceutical sector, like other sectors, cases relating to grant of patents, infringement or patents, post-grant opposition of patents etc. are filed by individual/companies (right seekers/holders) concerned. Data in respect of such cases being filed worldwide, in general, or the USA, in particular, is not maintained.Since the primary purpose of acquiring patent rights is to protect and promote commercial interests the outcome of such cases generally has a bearing on the business and marketing strategies of the involved parties.